

**COACHELLA VALLEY MOUNTAINS CONSERVANCY**  
**Regular Meeting – September 8, 2008, 3:00 PM**  
**73-710 Fred Waring Drive, Conference Room 115**  
**Palm Desert, CA 92260**

**AGENDA**

**1.0 Call to Order & Introductions**

**2.0 Approval of Minutes of May 12, 2008 meeting**

**3.0 Public Comments on Items Not on the Agenda**

At this time any member of the public may address the Governing Board on any item not on the agenda. The Board cannot take action on an item not on the agenda, but it can place it on the agenda for a future meeting. For items on the agenda, there will be an opportunity to speak when that item is heard. The Chair may limit the time for each speaker. Any written material may be submitted to the person taking minutes.

**4.0 Election of Chairperson and Vice-Chairperson** (See Attachment 1.)

**5.0 Information Item regarding discontinuance of most Attorney General Services**  
(See Attachment 2.)

**6.0 Closed Session – No matter is scheduled**

Pursuant to Government Code sections 11126 (a)(1), 11126 (e)(1) and 11126.3(a) the Board may hold a closed session to discuss and take possible action on personnel matters and or receive advice of counsel on pending or potential litigation. In addition, pursuant to Government Code section 11126 (c) 7 (A) the Board may meet in closed session with its negotiator prior to the purchase or sale of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase or sale. Confidential memoranda related to these issues may be considered during such closed session discussions.

**7.0 Action/Public Hearing Items**

- 7.1 Resolution 2008-10 approving an amendment to Grant 15 to the American Land Conservancy extending the term of the grant. [See Attachment 3.] (NOTE: Any member of the public may address the Governing Board on this item.)
- 7.2 Resolution 2008-11 approving a grant to the Center for Natural Lands Management to assist with the acquisition of 80 acres in the Edom Hill area. [See Attachment 4.] (NOTE: Any member of the public may address the Governing Board on this item.)
- 7.3 Resolution 2008-12 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of 10 acres in the Stubbe Canyon wash area. [See Attachment 5.] (NOTE: Any member of the public may address the Governing Board on this item.)
- 7.4 Resolution 2008-13 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 40 acres in Highway 74 area of the Santa Rosa and San Jacinto Mountains National Monument. [See Attachment 6.] (NOTE: Any member of the public may address the Governing Board on this item.)

- 7.5 Resolution 2008-14 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 5 acres in the Santa Rosa and San Jacinto Mountains National Monument. [See Attachment 7.] (NOTE: Any member of the public may address the Governing Board on this item.)
- 7.6 Resolution 2008-15 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 260 acres in Whitewater Canyon. [See Attachment 8.] (NOTE: Any member of the public may address the Governing Board on this item.)
- 7.7 Resolution 2008-16 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 20 acres in the Southern Santa Rosa alluvial fans. [See Attachment 9.] (NOTE: Any member of the public may address the Governing Board on this item.)
- 7.8 Resolution 2008-17 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 436 acres in the Santa Rosa and San Jacinto Mountains National Monument. [See Attachment 10.] (NOTE: Any member of the public may address the Governing Board on this item.)
- 7.9 Resolution 2008-18 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of 5 acres in the area between the Indio Hills and Joshua Tree National Park. [See Attachment 11.] (NOTE: Any member of the public may address the Governing Board on this item.)
- 7.10 Resolution 2008-19 approving a policy regarding local assistance grants as it pertains to fair market value of the property. [See Attachment 12.] (NOTE: Any member of the public may address the Governing Board on this item.)

## **8.0 Reports**

- 8.1 Written reports from staff [See Attachment 13]
- 8.2 Board Member comments and reports from Conservancy member agencies. This is an opportunity for any of the Governing Board Members to present a report on matters of interest regarding the agency he or she represents.

## **9.0 Adjourn to the November 3, 2008 meeting.** *(Note this is the first Monday of November instead of the usual 2<sup>nd</sup> Monday due to the Veteran's Day holiday.)*

This agenda is available on our website at <http://www.cvmc.ca.gov>. Anyone with questions about any item on the agenda may contact the Conservancy at 73-710 Fred Waring Drive, Suite 205, Palm Desert, CA 92260. The phone number is (760) 776-5026.

## **ATTACHMENT 1 – September 8, 2008**

The term of the Chairperson and Vice-Chairperson is one year, pursuant to Public Resources Code Section 33506. The election is normally held at the July meeting; however, the July meeting was cancelled this year. The Board Members eligible to serve as Chairperson and Vice-Chairperson are the city and county representatives, the Chairperson of the Tribal Council of the Agua Caliente Band of Cahuilla Indians, and the appointees of the Governor, the Senate Committee on Rules, and the Speaker of the Assembly. The representatives of the various state and federal agencies are not eligible.

## **ATTACHMENT 2 – September 8, 2008**

On July 2, 2008, staff received the attached letter from the Department of Justice (DOJ) advising that because of its budget problems it would be necessary effective September 1, 2008, to bill for all Attorney General (AG) services. Previously, all such services to the Conservancy have been pro bono. In the last fiscal year, the value of these services was approximately \$42,000. After discussion with the Resources Agency, it was determined that this was an unavoidable situation which each conservancy would have to address as best it could. Because no funds were included in our current fiscal year support budget for AG services, the Executive Director determined that all AG services would have to be discontinued except for:

- (1) emergency situations if available funds can be identified in the budget for such services; and
- (2) services related to a specific capital outlay project which can be billed to the capital outlay budget rather than the support budget. The Executive Director has requested a letter from DOJ advising that AG services related to a specific capital outlay project may be billed against capital outlay funds

As explained in the attached response letter to DOJ, the Executive Director has informed DOJ that the Conservancy is unable to pay for AG services from its support budget and it is therefore necessary to discontinue having an AG's representative attend Conservancy meetings.



**EDMUND G. BROWN JR.**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Telephone: Oak (510) 622-2143  
Sac (916) 322-8150  
E-Mail: Matt.Rodriguez@doj.ca.gov

July 2, 2008

Mr. Bill Havert  
Executive Director  
Coachella Valley Mountains Conservancy  
73-710 Fred Waring Drive, Suite 205  
Palm Desert, CA 92260

Dear Mr. Havert:

In light of the State's budget difficulties, and their resulting impact on the Attorney General's Office, we have been asked to review both the work conducted by our office and our billing practices. As part of this review, we have been instructed to carefully consider the funding sources for the various agencies that we defend and for whom we provide legal services. Our analysis has disclosed that the legal services we have been providing to your agency at no cost should, instead, be fully billed because your agency receives its funding predominantly from non-General Fund sources. As you may know, our office is encouraged not to bill agencies that are funded by the General Fund; and we do our best, with diminishing resources, to accommodate the most pressing needs of state programs funded by the General Fund. Conversely, agencies supported by allocations from special funds may be billed for our services.

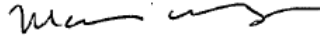
Therefore, effective September 1, 2008, all legal services provided to your agency by this office will be billed according to our existing rate schedule, which is: attorney services \$158 per hour; analyst services \$63 per hour; paralegal services \$101 per hour. In addition, in the event that we must incur expert costs, they must be borne by the client agency.

Of course, we recognize that your agency faces its own budgetary constraints, and we regret the necessity of having to shift these costs to you at this time. Additionally, we value our relationships with our clients and we want you to know we are committed to working with your staff to help you prioritize your legal services needs in order to accommodate this new billing structure. In this regard, we selected September 1 to begin billing for our services in order to give you time to review your new budget and plan accordingly for the remainder of the fiscal year.

Mr. Bill Havert  
July 2, 2008  
Page 2

Thank you for your understanding during this very difficult time for all of us. If you have any questions, or would like to meet with us, please do not hesitate to contact me at the number above.

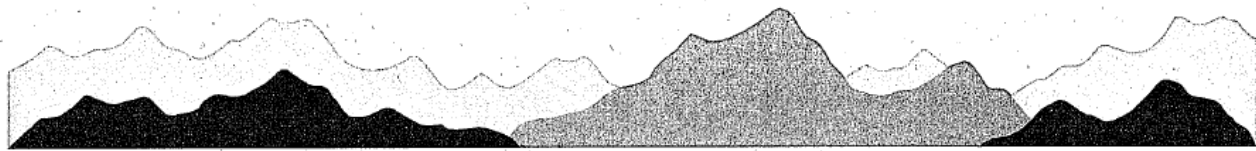
Sincerely,



MATTHEW RODRIQUEZ  
Chief Assistant Attorney General

For EDMUND G. BROWN JR.  
Attorney General

MR/gl



## COACHELLA VALLEY MOUNTAINS CONSERVANCY State of California

*In partnership to protect our mountain heritage*

August 6, 2008

Matthew Rodriquez  
Chief Assistant Attorney General  
Department of Justice  
1300 I Street, Suite 125  
Sacramento, CA 94244-2550

Dear Mr. Rodriquez:

I received your letter of July 2 advising that due to DOJ's budget issues, it will be necessary for DOJ to bill the conservancies for all services effective September 1, 2008. The Conservancy has been greatly appreciative of the tremendous assistance that DOJ has provided to us over the years, including participation in Board meetings, resolving litigation and potential litigation, and providing advice on many matters. No longer having those services available *pro bono* will be a serious loss to us; I do, however, understand the budget difficulties that compel DOJ to take this step.

Unfortunately, our budget situation is at least as precarious and dire as DOJ's. We allocated no funds in our FY 2008-09 budget for legal services. Further, we are not 100% funded by the state. Each year we rely on "Reimbursements", i.e., revenue from contract work we do for non-state entities for a significant portion of our support budget. For many years we had a predictable and reliable source of Reimbursement funding through our contract with the Coachella Valley Association of Governments to prepare the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan. Preparation of that Plan, however, has been completed and the contract ended. We have secured a new contract with the Coachella Valley Conservation Commission, the Joint Powers Authority established to implement the Plan, to act as the Acquisitions Manager and that is anticipated to provide Reimbursement funds this year. Because USFWS and CDFG have not yet issued the Permits for the Plan, however, our contract has not yet taken effect, and it is unclear when it will. Thus, we face the prospect of a revenue shortfall and concomitant belt-tightening of our already meager budget.

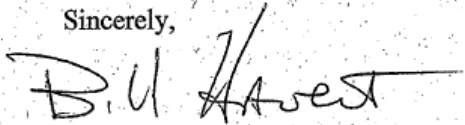
As a result, I find that we have no choice but to discontinue having a Deputy Attorney General attend our meetings. I will let Laurie Pearlman know. We will also limit our

requests for document review and all services to the absolute minimum for the balance of this fiscal year. I understand that DOJ services related to a specific bond-funded project may be billed to that project; however, I am unclear as to whether DOJ services in such an instance would be considered a Capital Outlay expenditure for budget purposes or would be considered part of our Support Budget expenditures (for which we have budgeted a limited amount of Proposition 84 funds for program delivery). Clarification of this would be helpful.

As you know, BCPs have already been submitted for FY 2009-10, so it remains to be seen whether there will be an opportunity to increase our budget for the next fiscal year to include funding for DOJ services (also assuming additional revenues would be available to us to pay for those services).

I wish you and DOJ well in coping with your budget issues; and, again, our thanks for the many years of exceptional assistance we have received.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Havert", with a stylized flourish at the end.

Bill Havert  
Executive Director

cc: Pat Kemp, Assistant Secretary for Administration and Finance, Resources Agency  
Bryan Cash, Deputy Assistant Secretary - Bonds and Grants, Resources Agency

## **ATTACHMENT 3 – September 8, 2008**

**Agenda Item 7.1**      Resolution 2008-10 approving an amendment to Grant 15 to the American Land Conservancy extending the term of the grant.

### **BACKGROUND**

In 2003, the Governing Board approved Resolution 2002-11 approving a local assistance grant to the American Land Conservancy (ALC) to acquire Section 5, Township 7 South Range 5 East at the head of Palm Canyon in the Santa Rosa and San Jacinto Mountains National Monument. The standard term of Conservancy grants has been five years, and it was originally anticipated that the land would be sold by ALC to the U.S. Forest Service (USFS) within that period of time and the grant funds returned to the Conservancy. USFS has not, however, had the funds necessary to acquire the land from ALC and the five year term of the grant has expired. ALC seeks to extend the term of the grant, and this would benefit both parties. The property is on a list of properties for USFS to acquire as funds permit, and ALC does desire to dispose of the property via sale to USFS and the subsequent return of the grant funds would benefit the Conservancy as they could be reappropriated to fund additional acquisitions.

This situation has also caused staff to reevaluate what the appropriate term of a Grant Agreement is. Our standard Grant Agreement has two sections addressing the temporal term of the agreement. The “Completion Date” stipulates the date by which the grant funds must be expended for their stated purpose or be returned to the Conservancy. Staff believes no change should be made to this section of our Grant Agreements. The “Term of the Agreement” states, in part, that “This agreement shall be deemed executed and effective when signed by both parties and received in the offices of the Conservancy together with the resolution described in "CONDITIONS PRECEDENT TO ACQUISITION AND DISBURSEMENT" section of this agreement.” It goes on to state a termination date as follows: “This agreement shall terminate upon grantee's satisfaction of its repayment obligation as provided in this agreement or on (*a specified date, typically five years from approval of the Grant Agreement*), whichever occurs first.” Staff now believes that the Grant Agreement should remain in effect permanently unless the Grantee subsequently disposes of the property with approval from the Conservancy. At that time, the Grant Agreement would be moot. Thus, staff believes that in the future Grant Agreements should state “This agreement shall remain in effect as long as the Grantee owns the property acquired with the grant funds. It shall terminate upon grantee's satisfaction of its repayment obligation as provided in this agreement.”

### **RECOMMENDATION**

Staff recommends that the Governing Board approve Resolution 2008-10 revising the term of the Grant Agreement with ALC.

**RESOLUTION 2008-10 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING AN AMENDMENT TO LOCAL ASSISTANCE GRANT 15  
TO THE AMERICAN LAND CONSERVANCY EXTENDING THE TERM OF THE  
AGREEMENT**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the American Land Conservancy ("ALC") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, Acquisition Grant Agreement for Grant 15 originally had a five year term, which expired on June 30, 2007; and;

WHEREAS, ALC has requested that the term of the Grant Agreement be extended; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 for this to occur;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves amending the Acquisition Grant Agreement for Grant 15 to state: "This agreement shall remain in effect as long as the Grantee owns the property acquired with the grant funds. It shall terminate upon grantee's satisfaction of its repayment obligation as provided in this agreement." The amendment to the Grant Agreement is attached as Exhibit A.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the amendment grant agreement.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## Acquisition Grant Agreement No. 15 - Amendment 1

Grantee's full legal name: American Land Conservancy

Address: 250 Montgomery Street, Suite 210

San Francisco, CA 94104

Phone Number: (415) 912-3660

Name of Contact: Kerry O'Toole

Title of Contact: President

Taxpayer ID Number: 94-3121656

The purpose of this Amendment 1 to Grant 15 is to reinstate the grant and extend its term to allow the opportunity for the grantee to sell the land to the United States Forest Service for inclusion in the Santa Rosa and San Jacinto Mountains National Monument, subject to approval of such a sale by the Coachella Valley Mountains Conservancy pursuant to the terms of the Grant Agreement. This amendment was approved by the Conservancy Governing Board by Resolution 2008-10, which is attached as Exhibit 1.

The Acquisition Grant Agreement for Grant 15, dated December 23, 2002, is hereby amended as follows:

On page 3 of the agreement, the "TERM OF AGREEMENT" section is revised as follows:

### **TERM OF AGREEMENT**

This agreement shall be deemed executed and effective when signed by both parties and received in the offices of the Conservancy together with the resolution described in "CONDITIONS PRECEDENT TO ACQUISITION AND DISBURSEMENT" section of this agreement. An authorized representative of the grantee shall sign the originals of this agreement in ink.

This agreement shall remain in effect as long as the Grantee owns the property acquired with the grant funds. It shall terminate upon grantee's satisfaction of its repayment obligation as provided in this agreement.

\_\_\_\_\_  
Kerry O'Toole, President  
American Land Conservancy

Date: \_\_\_\_\_

\_\_\_\_\_  
Bill Havert, Executive Director  
Coachella Valley Mountains Conservancy

Date: \_\_\_\_\_



## **EXHIBIT 1**

### **RESOLUTION APPROVING THE GRANT AMENDMENT**

A copy of CVMC Resolution 2008-10 approved by the Conservancy's Governing Board at its September 8, 2008 meeting is attached.

## **ATTACHMENT 4 – September 8, 2008**

**Agenda Item 7.2** Resolution 2008-11 approving a local assistance grant to the Center for Natural Lands Management for the acquisition of 80 acres in the Edom Hill area.

### **BACKGROUND**

The Center for Natural Lands Management (CNLM) has requested a grant not to exceed \$767,000 towards the acquisition of 80 acres in Section 23, T3S R5E in the Edom Hill area. [See attached map referencing Agenda Item 7.2.] As can be seen from the map, considerable conservation acquisition has already occurred in this area. This acquisition is the final phase of a four phase acquisition. The first phase, the acquisition of 80 acres, was completed in October, 2006, and was funded by CNLM with Coachella Valley Fringe-toed Lizard mitigation fees. The second phase, 320 acres, was completed in November 2007. Funding included \$1,470,000 in federal grant funds, \$418,000 in CVMC grant funds, and \$72,000 from CNLM (plus closing costs). The third phase, 80 acres, was completed in June 2008. Funding included \$72,000 in federal grant funds, \$508,565.71 in CVMC grant funds, and \$95,975 in CNLM funds. The final phase, 80 acres, contains Coachella Valley fringe-toed lizard and Coachella Valley milkvetch habitat. It is also a sand source and transport area feeding the Willow Hole portion of the Edom Hill-Willow Hole Preserve/Area of Critical Environmental Concern and it is part of the proposed Edom Hill Conservation Area in the Coachella Valley Multiple Species Habitat Conservation Plan. To date approximately 62% (1900 out of 3,060 acres) of the lands needed to be acquired in this Conservation Area to implement the MSHCP have been acquired.

CNLM has \$10,000 deposited in escrow, which can be applied toward this phase. CNLM has no additional Coachella Valley fringe-toed lizard mitigation funds available, however, and has requested a local assistance grant from the Conservancy to cover the balance of the purchase price and closing costs, which are estimated to be approximately \$2,000. The funds for this grant will come from Proposition 84. The Conservancy's funding situation at the end of fiscal year 2007-08 is as follows:

\$11,514,000	Proposition 84 funds appropriated
<u>\$ 436,000</u>	Proposition 40 funds remaining from prior year
\$11,950,000	TOTAL FUNDS AVAILABLE in 2007-08
<u>\$ 5,768,144</u>	Expended and committed in FY 2007-08
\$ 6,181,856	UNCOMMITTED BALANCE AT END OF 2007-08
<u>\$ 767,000</u>	Proposed for this grant
\$ 5,414,856	Minimum balance available for future projects

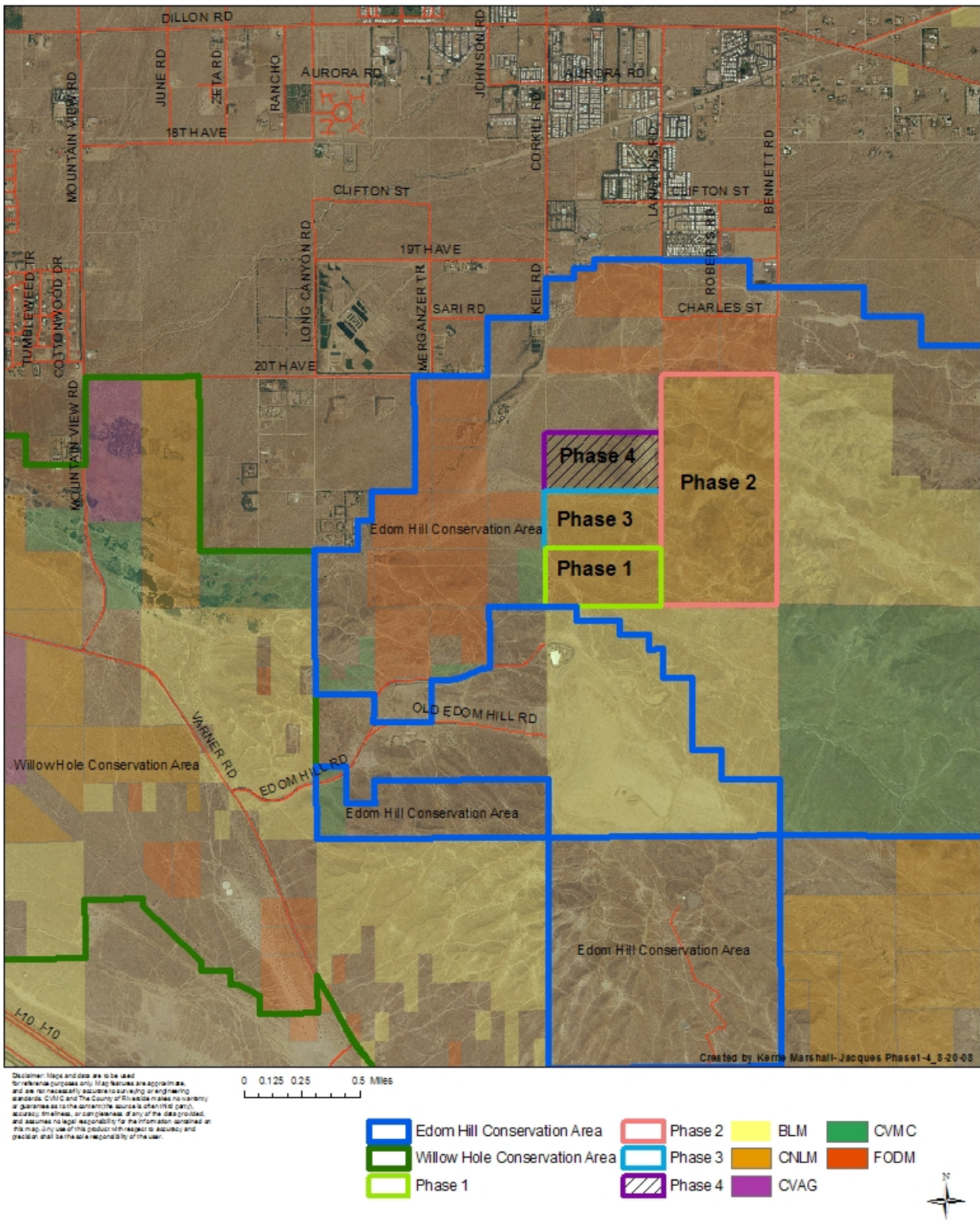
Additionally, in FY 2008-09, the Conservancy will receive another \$11,514,000 in Proposition 84 funds and a re-appropriation of \$451,856 in Proposition 40 funds and \$344,666 in Proposition 12 funds upon approval of the state budget.

### **RECOMMENDATION**

Staff recommends approval of the attached Resolution 2008-11 approving a local assistance grant to CNLM to assist with the purchase of the 80 acres.

# **AGENDA ITEM 7.2 - Map of Property**

## **Jacques Acquisitions-Phases 1-4**



**RESOLUTION 2008-11 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE CENTER FOR  
NATURAL LANDS MANAGEMENT FOR THE PURCHASE OF LAND IN THE EDM  
HILL AREA**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Center for Natural Lands Management ("CNLM") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, Assessor's Parcel Number 659-150-002 in Section 23, T3S, R5E, comprising approximately 80 acres in unincorporated Riverside County in the Edom Hill area, contains important resource values, including Coachella Valley fringe-toed lizard and Coachella Valley milkvetch habitat and sand source and sand transport areas for the Willow Hole/Edom Hill Reserve; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the purchase price for the parcel under CNLM's option agreement, which is based on an appraisal, is \$775,000; and

WHEREAS, CNLM requests a local assistance grant to provide the required funds for the purchase of this property, including closing costs, less \$10,000 in CNLM funds currently deposited in escrow; and

WHEREAS, the Conservancy has sufficient funds available; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant of \$767,000 to CNLM to assist with the acquisition; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to CNLM for the parcel and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that CNLM shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That CNLM will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That CNLM shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That CNLM must return all funds not used for the acquisition purpose described above no later than December 31, 2008, unless both parties mutually agree in writing to an extension;
4. That CNLM shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, CNLM shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon CNLM shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by CNLM arising from the sale or conveyance;
6. That if CNLM ceases to exist as an organization or if CNLM materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;

7. That CNLM shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by CNLM prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 5 – September 8, 2008**

**Agenda Item 7.3.** Resolution 2008-12 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of 10.0 acres in the Stubbe Canyon area, linking the Santa Rosa and San Jacinto Mountains National Monument in the San Jacinto Mountains with the San Gorgonio Wilderness in the San Bernardino Mountains

### **BACKGROUND**

Last year, the Governing Board approved a grant to the Friends of the Desert Mountains (Friends) to assist with acquisitions of land in the Stubbe Canyon area to secure a wildlife movement corridor between the Peninsular ranges (the San Jacinto and Santa Rosa Mountains) and the Transverse ranges (San Bernardino and San Gabriel Mountains). [See attached Map 1 referencing Agenda Item 7.3.] In a 2000 report, *Missing Linkages: Restoring Connectivity to the California Landscape*, this wildlife corridor was identified as among the most critical for protection in southern California. Some of the parcels identified for acquisition are mountainous and others are located in Stubbe Canyon wash and the adjacent alluvial fan. Preservation of the non-mountainous areas is essential to connect the two mountain ranges, which is crucial to the long-term viability of many species of wildlife in the mountainous areas. The previous grant was for a large amount which could be used towards an array of acquisitions in this area as willing sellers became available; funds under that grant were available only through June 30. Several outreach efforts have been made to owners in this area, and while some additional owners (besides the owners of the two subject parcels) may decide to sell, the majority of currently willing sellers has likely responded. If additional willing sellers are subsequently identified, the Conservancy can consider an additional grant as needed at a future meeting. The attached Map 2 shows the parcels that were acquired with the original grant, as well as two additional parcels whose owners now wish to sell. As can be seen, these parcels complement the parcels already acquired. This map also shows two other parcels the Friends are negotiating to purchase with a separate grant from the Resources Legacy Fund Foundation.

The value determined by appraisal for APNs 520-040-011 and 012, two 5-acre parcels in Section 6, T3S, R3E is \$100,000; closing costs are estimated to be \$3,000. The Sellers wish to sell the parcels in two separate escrows, one to be completed immediately, and the other after January 1<sup>st</sup>, 2009. As a result, the completion date for this acquisition is February 28, 2009.

The Friends has requested a grant for up to \$96,000 toward the total acquisition cost of \$103,000. The Conservancy would use \$92,040 in Proposition 84 funds, plus approximately \$3,960.00 remaining in Proposition 40 funds that the Friends were allowed to retain from the sale of land to BLM pursuant to Resolution 2007-04, approved by the Conservancy Governing Board at its May 2007 meeting. In addition, the Friends has \$7,000 in other funds to commit to this acquisition. Assuming approval of the grant in the previous agenda item, the Conservancy would have \$5,318,856 available after approving this grant proposal. Additionally, in FY 2008-09, the Conservancy will receive another \$11,514,000 in Proposition 84 funds and a re-appropriation of \$451,856 in Proposition 40 funds and \$344,666 in Proposition 12 funds upon approval of the state budget.

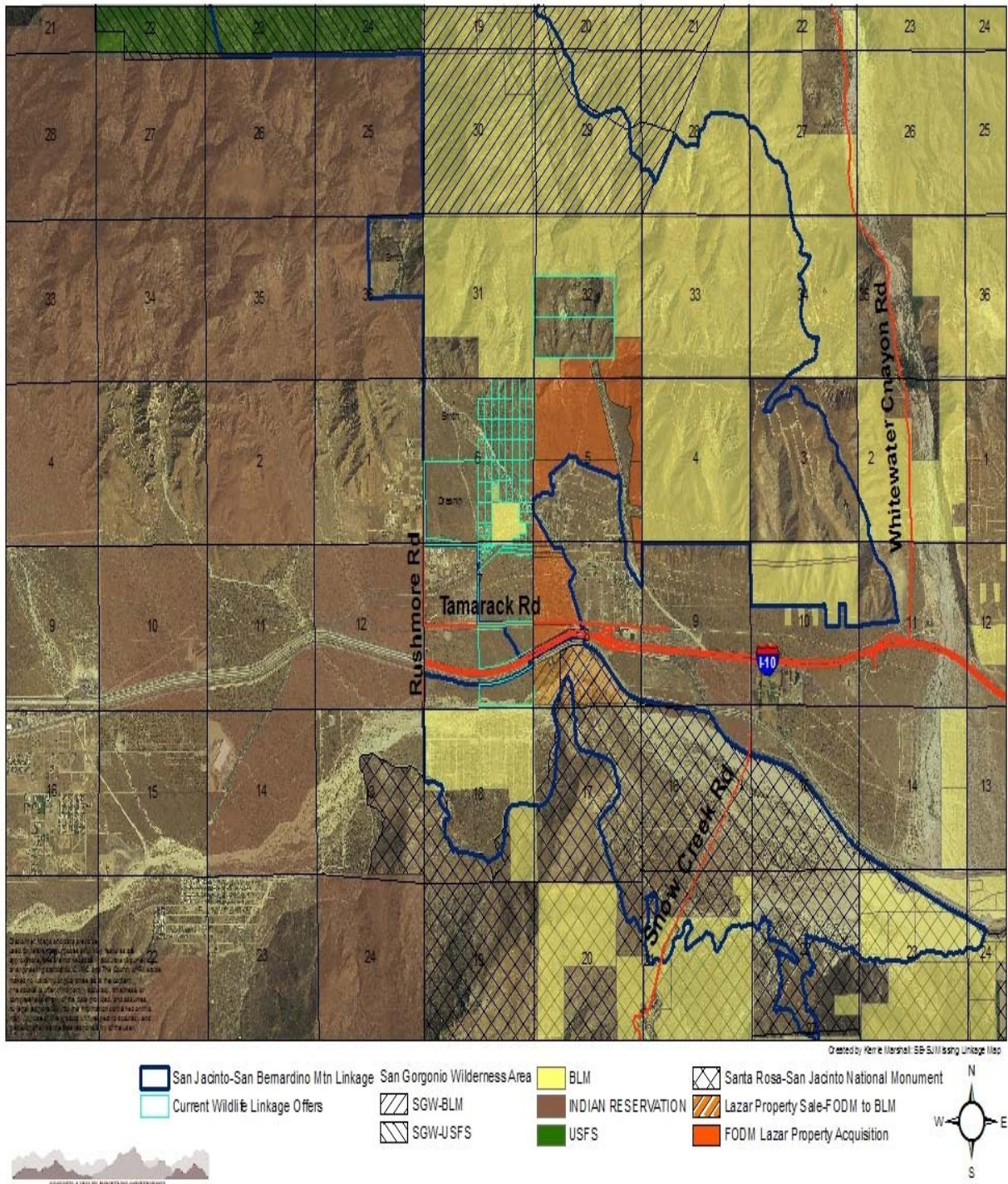
### **RECOMMENDATION**

Staff recommends approval of the attached Resolution 2008-12 approving a local assistance grant to the Friends to assist with the purchase of 10.0 acres.



## AGENDA ITEM 7.3 Map 1 - Context Map

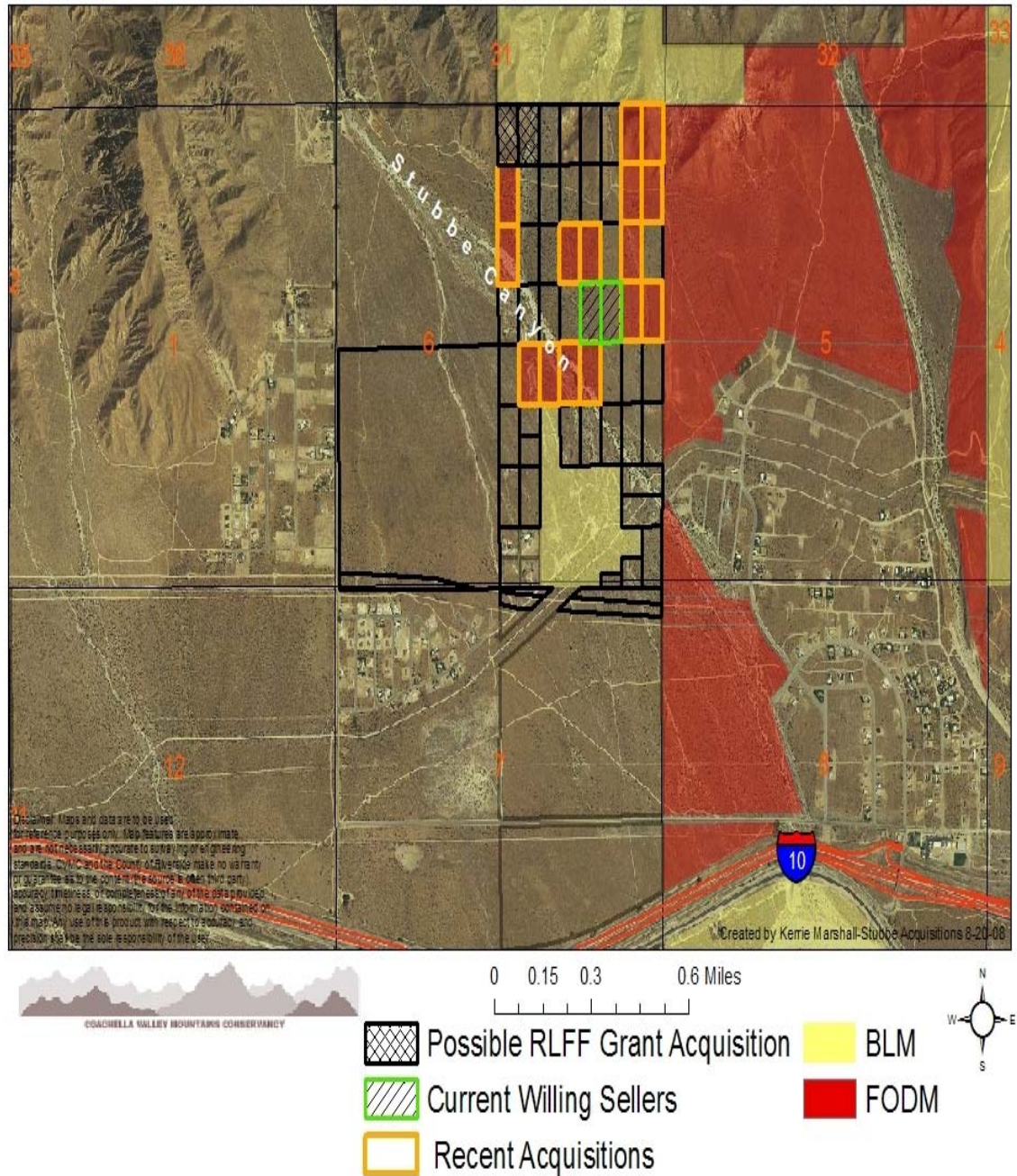
### San Jacinto-San Bernardino Mountains Missing Linkage





## AGENDA ITEM 7.3 Map 2 - Recent and Proposed Acquisitions

### Stubbe Canyon Linkage Acquisitions



**RESOLUTION 2008-12 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS  
OF THE DESERT MOUNTAINS FOR THE PURCHASE OF LAND IN THE  
STUBBE CANYON AREA**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, Assessor's Parcel Numbers 514-040-011 and 514-040-012, in Section 6, T3S, R3E comprising 10.0 acres in unincorporated Riverside County north of Interstate 10 in the Banning Pass area, contain important biological resource values, including portions of a wildlife movement corridor between the San Jacinto and Santa Rosa Mountains and the San Bernardino Mountains and a fluvial sand transport area for the Snow Creek and Whitewater Floodplain Preserve areas; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the cost of the two parcels totals \$100,000, plus an estimated \$3,000 for closing costs; and

WHEREAS, Friends requests a local assistance grant to assist with the purchase of this property; and

WHEREAS, the Conservancy has sufficient capital outlay money to contribute funds toward the acquisition; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$96,000, to Friends to assist with the acquisition, with the Friends providing the balance of the funding; and

BE IT FURTHER RESOLVED, that approximately \$3,960 of that \$96,000 would come from the remaining Proposition 40 funds retained by the Friends pursuant to Resolution 2007-04, which the Governing Board hereby directs the Friends to expend for this project; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to Friends for the parcel and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That Friends must return all funds not used for the acquisition purpose described above no later than February 28, 2008;
4. That Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by Friends arising from the sale or conveyance;

6. That if Friends ceases to exist as an organization or if Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 6 – September 8, 2008**

**Agenda Item 7.4.** Resolution 2008-13 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of 40.0 acres in the Highway 74 area of the Santa Rosa and San Jacinto Mountains National Monument.

### **BACKGROUND**

State Scenic Highway 74 (also under consideration for federal scenic byway status) is the only paved road in the National Monument and for tens of thousands of people it is the main exposure to the Monument. Protection of its scenic quality is thus of great importance. The Friends has been working with the owner of three parcels totaling 40 acres in Section 36, T6S R5E, approximately 2.5 miles southerly of Pinyon, to acquire this property on the east side of the highway. [See attached map referencing Agenda Item 7.4.] The property is highly visible from the highway and is within Peninsular bighorn sheep habitat. There are several old, substandard residential structures on the property as well as considerable debris, including old trailers, lumber piles, and miscellaneous junk. This property could readily support at least three new homes and, with a parcel map, could accommodate at least two more homes. Development in this area would have an adverse effect on the views from the highway, which generally affords views of the undisturbed natural landscape between Palm Desert and Pinyon. Thus, acquisition of the property is important to maintain the scenic quality of the highway through the Monument. Further, acquisition of the property is also an opportunity to demolish and remove the existing substandard structures and remove the accumulated junk from the property.

Based on an appraisal, the purchase price of the property is \$345,000 in “As Is” condition. Closing costs are estimated to be up to an additional \$3,000, and the cost to clean-up the property is \$50,000 based on several bids. The Friends has requested a local assistance grant for a not to exceed amount of \$398,000 to cover all these costs. Proposition 84 provides that funds can be used for “protection and restoration” of lands; thus, it is appropriate to use bond funds not only to acquire the property, but also to fund its restoration; i.e., removal of the structures and debris on the property to restore and enhance the property’s natural resource values.

Assuming approval of the grants in the two previous agenda items, the Conservancy would have \$4,919,857 available after approving this grant proposal. Additionally, in FY 2008-09, the Conservancy will receive another \$11,514,000 in Proposition 84 funds and a re-appropriation of \$451,856 in Proposition 40 funds and \$344,666 in Proposition 12 funds upon approval of the state budget.

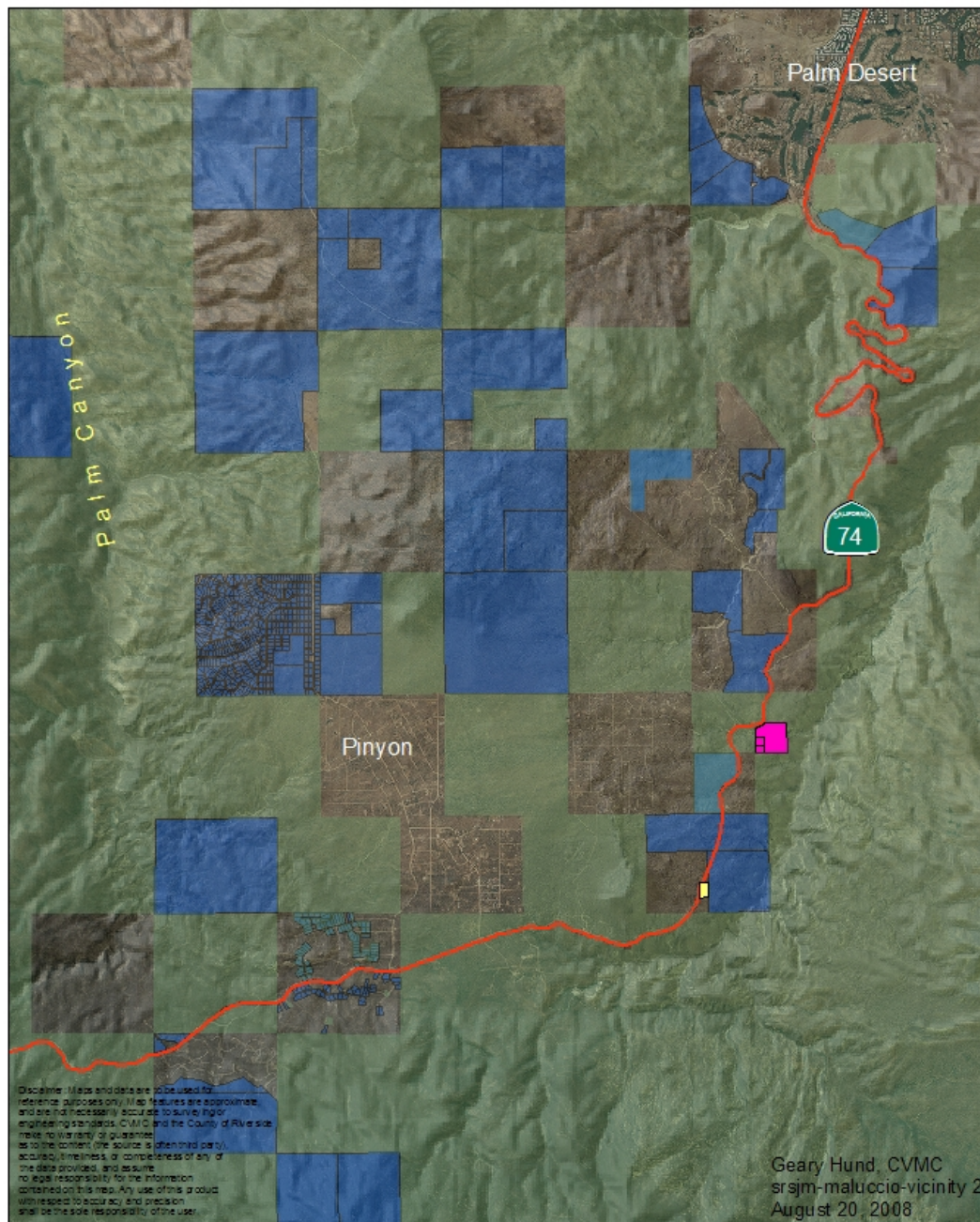
### **RECOMMENDATION**

Staff recommends approval of the attached Resolution 2008-13 approving a local assistance grant to the Friends to assist with the purchase of the approximately 40 acres.







## AGENDA ITEM 7.4 – Context Map

Maluccio Acquisition Vicinity Map



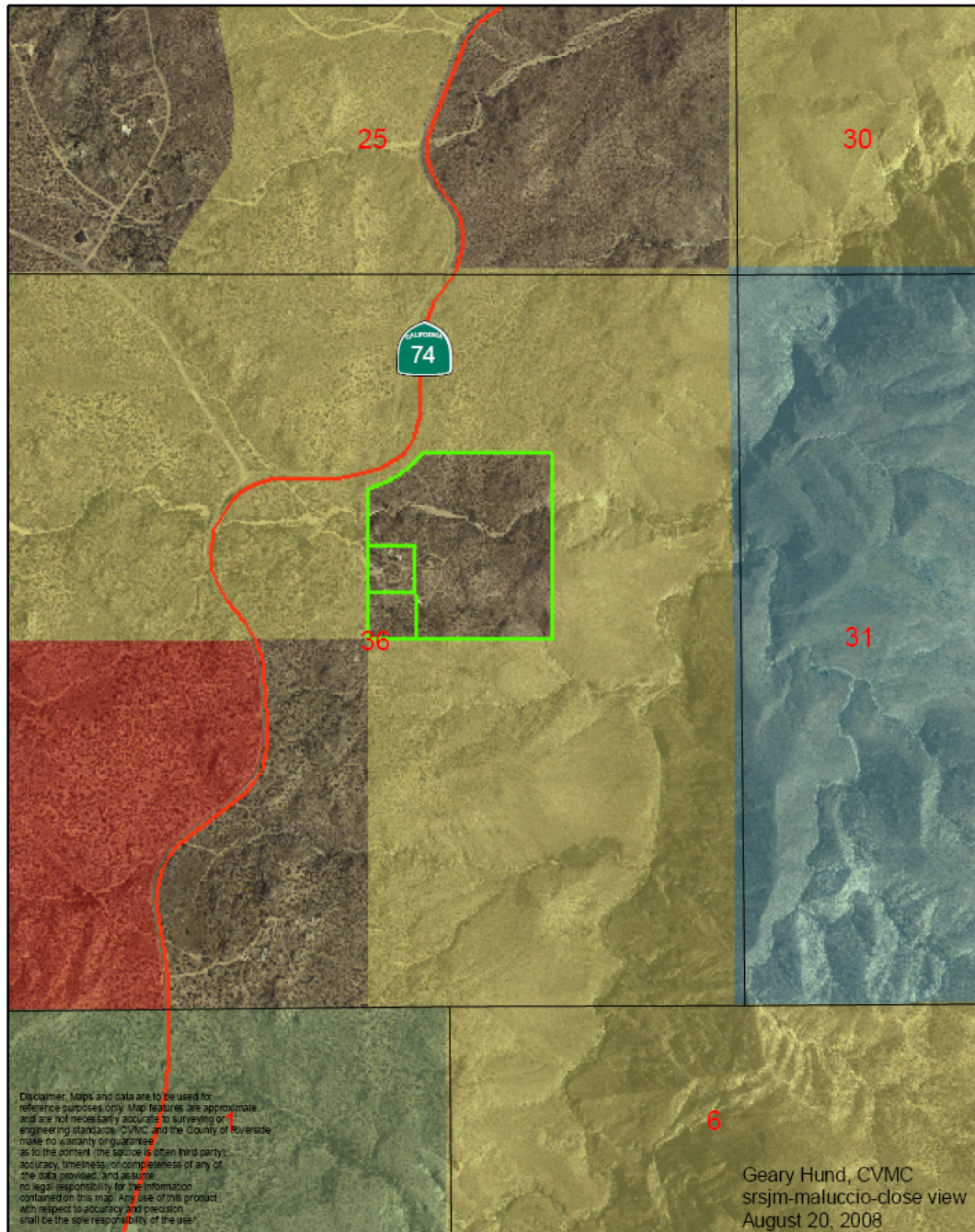
0 0.5 1 2 Miles

- |   |   |
|---|---|
|  Maluccio        |  Conservation Acquisitions 1996-Present  |
|  Capital Benefit |  Conservation Acquisitions Prior to 1996 |





# **AGENDA ITEM 7.4 – Map Of Property** **Maluccio Acquisition**



0 0.125 0.25 0.5 Miles

- Maluccio
- Bureau of Land Management
- US Forest Service
- CA Dept. of Fish and Game/WCB
- Friends of the Desert Mtns



**RESOLUTION 2008-13 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS  
OF THE DESERT MOUNTAINS FOR THE PURCHASE OF LAND IN THE SANTA  
ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, Assessor's Parcel Numbers 635-450-001, 002, and 003 in Section 36, T6S, R5E comprising approximately 40.0 acres in unincorporated Riverside County on the east side of Highway 74 contain important scenic resources as well as biological resource values in the Santa Rosa and San Jacinto Mountains National Monument; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the cost of the three parcels totals \$345,000 based on an appraisal, plus an estimated \$3,000 for closing costs, and \$50,000 for clean-up of the property; and

WHEREAS, Friends requests a local assistance grant to assist with the purchase of this property; and

WHEREAS, the Conservancy has sufficient capital outlay money to contribute funds toward the acquisition; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$398,000 to Friends to assist with the acquisition; and



BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to Friends for the parcel and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That Friends must return all funds not used for the acquisition purpose described above no later than December 31, 2008;
4. That Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by Friends arising from the sale or conveyance;
6. That if Friends ceases to exist as an organization or if Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;

7. That Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 7 – September 8, 2008**

**Agenda Item 7.5** Resolution 2008-14 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of 5.0 acres in the Highway 74 area of the Santa Rosa and San Jacinto Mountains National Monument.

### **BACKGROUND**

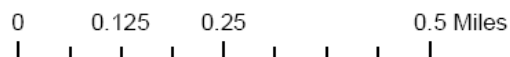
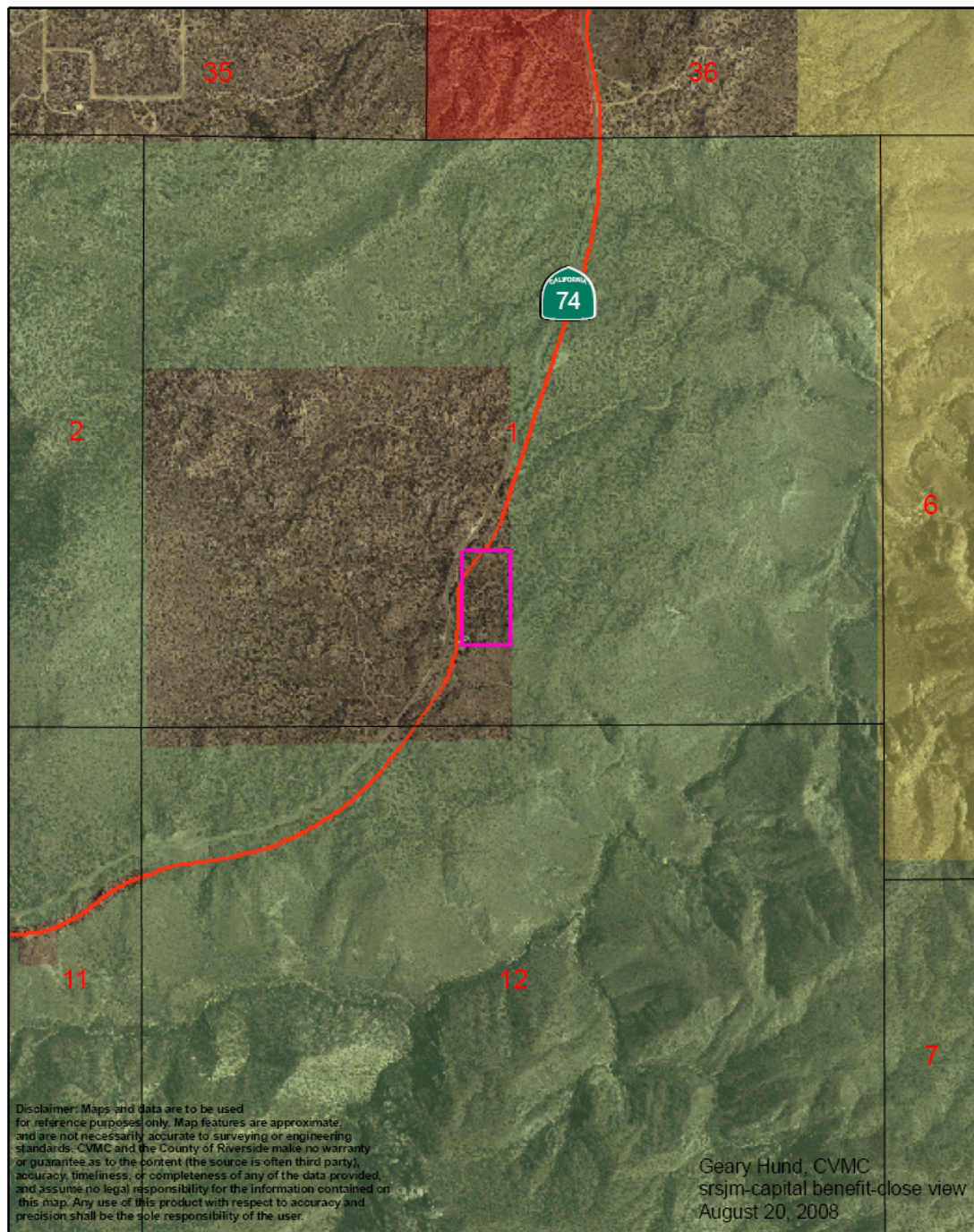
The Friends has also applied for a grant to acquire a 5.0 acre parcel approximately 1.0 mile south of the 40.0 acre property proposed for acquisition in the previous agenda item. The 5.0 acre parcel is also on the east side of and adjacent to Highway 74, in the national forest portion of the National Monument. [See attached map referencing Agenda Item 7.5.] Development on this parcel would have an adverse effect on the views from the highway, which generally affords views of the undisturbed natural landscape between Palm Desert and Pinyon. Thus, acquisition of the property is important to maintain the scenic quality of the highway through the Monument. The property immediately south of this parcel does have a house on it, and it is visible from the highway; however, it is setback sufficiently from the highway and the design and color of the house are such that the impact on the viewshed from the highway is minimal. A house on the parcel proposed for acquisition would be much more visible from the highway.

Based on an appraisal, the purchase price of the property is \$85,000. Closing costs are estimated to be up to an additional \$2,000. The Friends has requested a local assistance grant for a not to exceed amount of \$87,000 to cover these costs. Assuming approval of the grants in the three previous agenda items, the Conservancy would have \$4,832,857 available after approving this grant proposal. Additionally, in FY 2008-09, the Conservancy will receive another \$11,514,000 in Proposition 84 funds and a re-appropriation of \$451,856 in Proposition 40 funds and \$344,666 in Proposition 12 funds upon approval of the state budget.

### **RECOMMENDATION**

Staff recommends approval of the attached Resolution 2008-14 approving a local assistance grant to the Friends to assist with the purchase of the 5.0 acres.

# **Agenda Item 7.5 – Map of Property** **Capital Benefit Acquisition**



- |   |  |
|---|--|
|  Capital Benefit           |  US Forest Service          |
|  Bureau of Land Management |  Friends of the Desert Mtns |



**RESOLUTION 2008-14 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS  
OF THE DESERT MOUNTAINS FOR THE PURCHASE OF LAND IN THE SANTA  
ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, Assessor's Parcel Number 636-100-007 in Section 1, T7S, R5E comprising approximately 5.0 acres in unincorporated Riverside County on the east side of Highway 74 contains important scenic resources as well as biological resource values in the Santa Rosa and San Jacinto Mountains National Monument; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the cost of the parcel is \$85,000 based on an appraisal, plus an estimated \$2,000 for closing costs; and

WHEREAS, Friends requests a local assistance grant to assist with the purchase of this property; and

WHEREAS, the Conservancy has sufficient capital outlay money to contribute funds toward the acquisition; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$87,000 to Friends to assist with the acquisition; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to Friends for the parcel and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That Friends must return all funds not used for the acquisition purpose described above no later than December 31, 2008;
4. That Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by Friends arising from the sale or conveyance;
6. That if Friends ceases to exist as an organization or if Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;

8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 8 – September 8, 2008**

**Agenda Item 7.6** Resolution 2008-15 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 260 acres in Whitewater Canyon.

### **BACKGROUND**

Over the last five years, three grants from the Conservancy, along with other grants funds from the Resources Legacy Fund Foundation (RLFF) and The Nature Conservancy, have assisted the Friends of the Desert Mountains in purchasing over 700 acres along the Whitewater River in Whitewater Canyon (see attached map) to protect high quality riparian woodlands, a crucial wildlife movement corridor between the San Jacinto/Santa Rosa Mountains and the San Bernardino Mountains, an important fluvial sand transport area for the Whitewater Floodplain Conservation Area, and a potential new alignment for a section of the Pacific Crest National Scenic Trail.

The approximately 260 acre Mackenzie Ranch property is the last remaining private ownership in Whitewater Canyon, except for some individual lots in the small Bonnie Bell residential area. [See attached map referencing Agenda Item 7.6.] The Mackenzie Ranch property contains the highest quality riparian habitat in the canyon, with known breeding locations for the endangered least Bell's vireo, the endangered southwestern willow flycatcher, and the rare summer tanager. The threatened desert tortoise utilizes the upland portions of the property; and the property is historic habitat for the endangered southwestern arroyo toad, and potential habitat for the endangered triple-ribbed milkvetch.

Acquisition of this property would complete protection of Whitewater Canyon and create important cooperative management opportunities among the Friends, BLM, and the Wildlands Conservancy, which now owns and manages the former Whitewater Trout Farm, one of the properties previously acquired with a CVMC grant. Acquisition of the Mackenzie Ranch property would also complete most of the Conservation Objectives for the Whitewater Canyon Conservation Area.

The Mackenzie Ranch property consists of ~~82~~ 80 separate parcels, two of which are large vacant parcels comprising approximately 229 acres. The remaining parcels are small lots within two antiquated subdivisions. One of the subdivisions is located in the Whitewater River floodplain and generally consists of approximately 2,100 square foot lots. Conversations with County staff suggest that it would be nearly impossible for any of these lots to develop based on current setback, flood control, and septic system/water quality requirements. Lots in the other subdivision are typically between 5,000 and 6,000 square feet. Four of the lots have residential structures on them; two are single family residences and two are manufactured homes. The owners wish to include the homes in the sale. While it is not desirable to own the homes, if it is an absolute conditions of the sale, the conservation value of owning these properties outweighs the negative aspects of the Friends' acquiring the homes. The Friends may decide to lease one house to someone to act as a caretaker of the property to have an onsite presence. The other three residences could be sold separately, or otherwise utilized. Because of their locations in the same area and on either side of Whitewater Canyon Road, they do not significantly detract from the conservation value of



the remaining approximately 259 acres of the property, especially as the homes are part of the existing Bonnie Bell residential community. The total purchase price for the property, including the four residences, is ~~\$2,735,000~~ \$2,731,404. The owners have not accepted the Friends' offer; however, discussions are in progress, and there is a reasonable likelihood of the offer's being accepted by the September 8 meeting date; thus this item is included on the agenda. ~~If the owners reject the offer, this item can be tabled at the meeting.~~

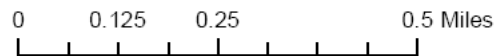
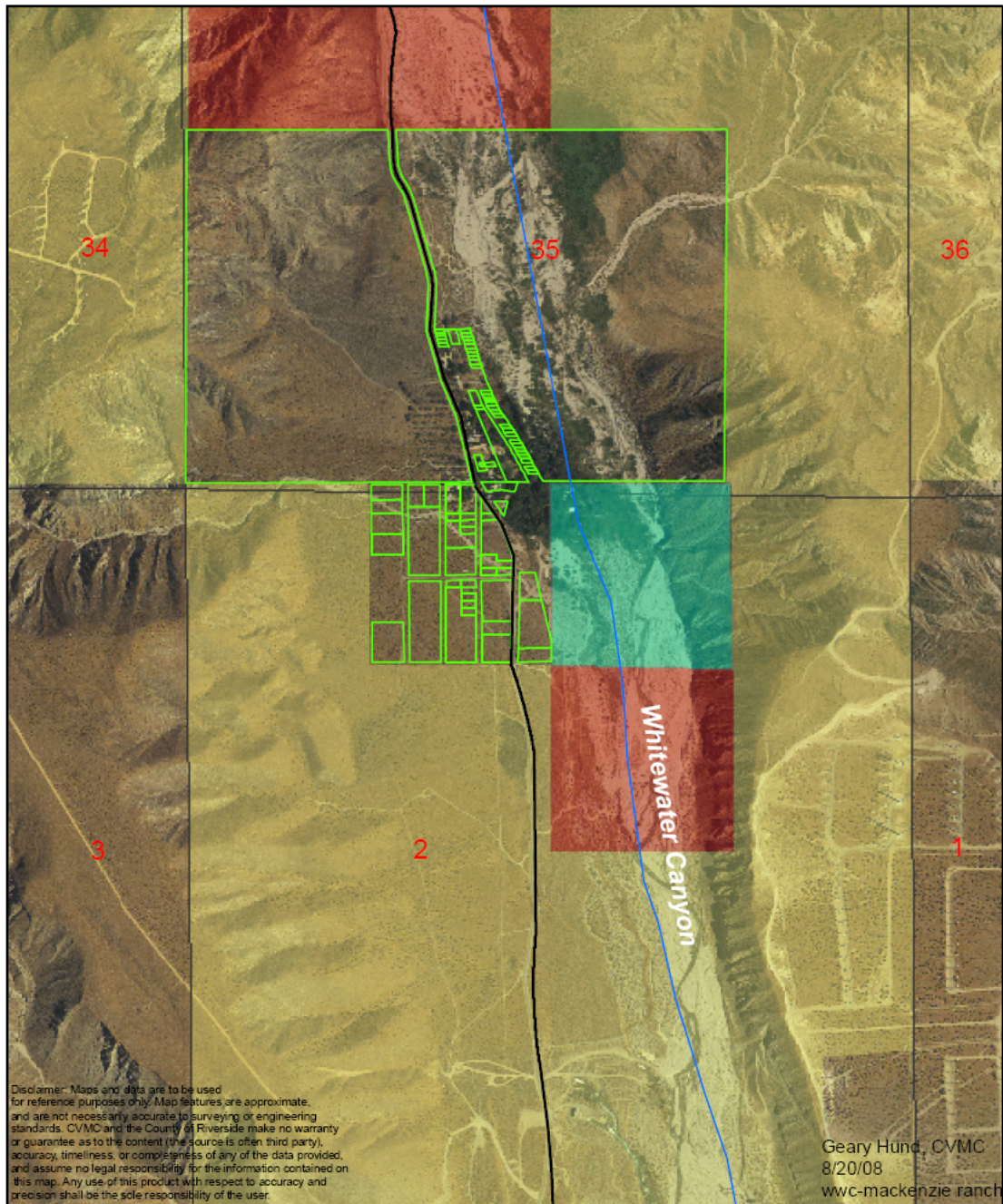
This acquisition is expected to be funded through a partnership including, CVMC, Wildlife Conservation Board (WCB), and RLFF. As a result of cooperation between CVMC and the U. S. Fish and Wildlife Service, ~~\$550,000~~ \$535,000 in federal Section 6 grant dollars is available to WCB. It is expected that a subgrant to the Friends using these funds will be considered by WCB at its November meeting. WCB may also consider contributing matching funds at its November meeting. There are preliminary indications that RLFF could contribute approximately \$275,000 to the acquisition. If WCB were to provide \$400,000 in its funds as a match to the \$535,000 in Section 6 grant funds, and RLFF contributed \$275,000, the CVMC grant would need to be ~~\$1,525,000~~ \$1,521,404, plus closing costs estimated to be up to \$12,000. The total CVMC grant would then be ~~\$1,537,000~~ \$1,533,404. If one of these other funding sources does not materialize, the Governing Board will have another opportunity in November to consider providing any additional funding needed.

Assuming approval of the grants in the three previous agenda items, the Conservancy would have \$3,295,857 available after approving this grant proposal. Additionally, in FY 2008-09, the Conservancy will receive another \$11,514,000 in Proposition 84 funds and a re-appropriation of \$451,856 in Proposition 40 funds and \$344,666 in Proposition 12 funds upon approval of the state budget.

## **RECOMMENDATION**

Staff recommends approval of the attached Resolution 2008-15 approving a local assistance grant to Friends to assist with the purchase of the approximately 260 acres.

# **AGENDA ITEM 7.6 – Map of Property** **Mackenzie Ranch Acquisition**



- |   |   |
|---|---|
|  Whitewater River Ranch      |  Bureau of Land Mgmt.        |
|  Whitewater Mutual Water Co. |  Friends of the Desert Mtns. |



**RESOLUTION 2008-15 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS  
OF THE DESERT MOUNTAINS FOR THE PURCHASE OF LAND IN  
WHITEWATER CANYON**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, ~~82~~ 80 parcels comprising approximately 260.0 acres in unincorporated Riverside County in Whitewater Canyon contain important resource values including high quality riparian woodlands, a wildlife movement corridor between the Santa Rosa and San Jacinto Mountains and the San Bernardino Mountains, a sand source and sand transport area for the Whitewater Floodplain CVFTL Preserve, habitat for several threatened and endangered species, and a potential route for a possibly realigned Pacific Crest National Scenic Trail; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the purchase price of the parcels is ~~\$2,735,000~~, \$2,731,404 and closing costs are estimated at not more than \$12,000; and

WHEREAS, the Friends requests a local assistance grant to assist with the purchase of this property; and

WHEREAS, other funding sources beside the Conservancy may include Resources Legacy Fund Foundation and the Wildlife Conservation Board; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed ~~\$1,531,000~~ \$1,533,404 to the Friends to assist with the acquisition; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to the Friends for the parcels and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That the Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than January ~~December~~ 31, 2008 2009, unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;

6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 9 – September 8, 2008**

**Agenda Item 7.7** Resolution 2008-16 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 20 acres in the Southern Santa Rosa alluvial fans.

### **BACKGROUND**

The Friends is requesting a grant in the amount of \$262,000 for the acquisition of 20 acres at the low end of the alluvial fans of the southern Santa Rosa Mountains, in the Oasis area. [See attached map referencing Item 7.7.] This reflects the appraised value of \$260,000 plus an estimated maximum of \$2,000 in closing costs. Several years ago, the Conservancy, WCB, and BLM cooperated in buying 5,400 acres approximately 1 mile to the west of this property. As this area contains the only large undisturbed area of alluvial fans in the portion of the Santa Rosa Mountains in Riverside County, it is highly desirable to conserve all of the alluvial fans in this area. The area contains undisturbed portions of the lakebed and shoreline of Lake Cahuilla, the huge freshwater lake that occupied most of the Imperial and Coachella Valleys sporadically over many millennia. In alternating cycles the Colorado River drained into these two valleys, creating a lake stretching from Mexico to La Quinta. The lake would persist for centuries at a time, but, each time, the river eventually shifted its course and drained into the Gulf of California, and the lake would evaporate in a matter of decades. The process would then repeat itself when the Colorado again changed course and drained into the valleys. Evidence of the lakebed and shoreline are clearly discernible in this area. The washes emanating from the canyons of the Santa Rosa Mountains contain well developed desert dry wash woodland communities with paloverde, desert willow, and other wash species. The alluvial fans support a high diversity of cactus species as well as ocotillo, and a wealth of wildflowers in high rainfall years. Burrowing owl and nighthawks are commonly sited in this area.

The two parcels proposed for acquisition are immediately adjacent to the existing agricultural area. Not only do the parcels have many of the above characteristics, but they would also help provide a buffer to the large conserved alluvial fan area, if and when urban development replaces the agricultural lands.

At the time of this writing, the Friends have a verbal acceptance from the Seller to sell for the appraised value of \$260,000. Based on that, the grant is being placed on the agenda. The Friends' offer is contingent upon a grant being approved by the Conservancy.

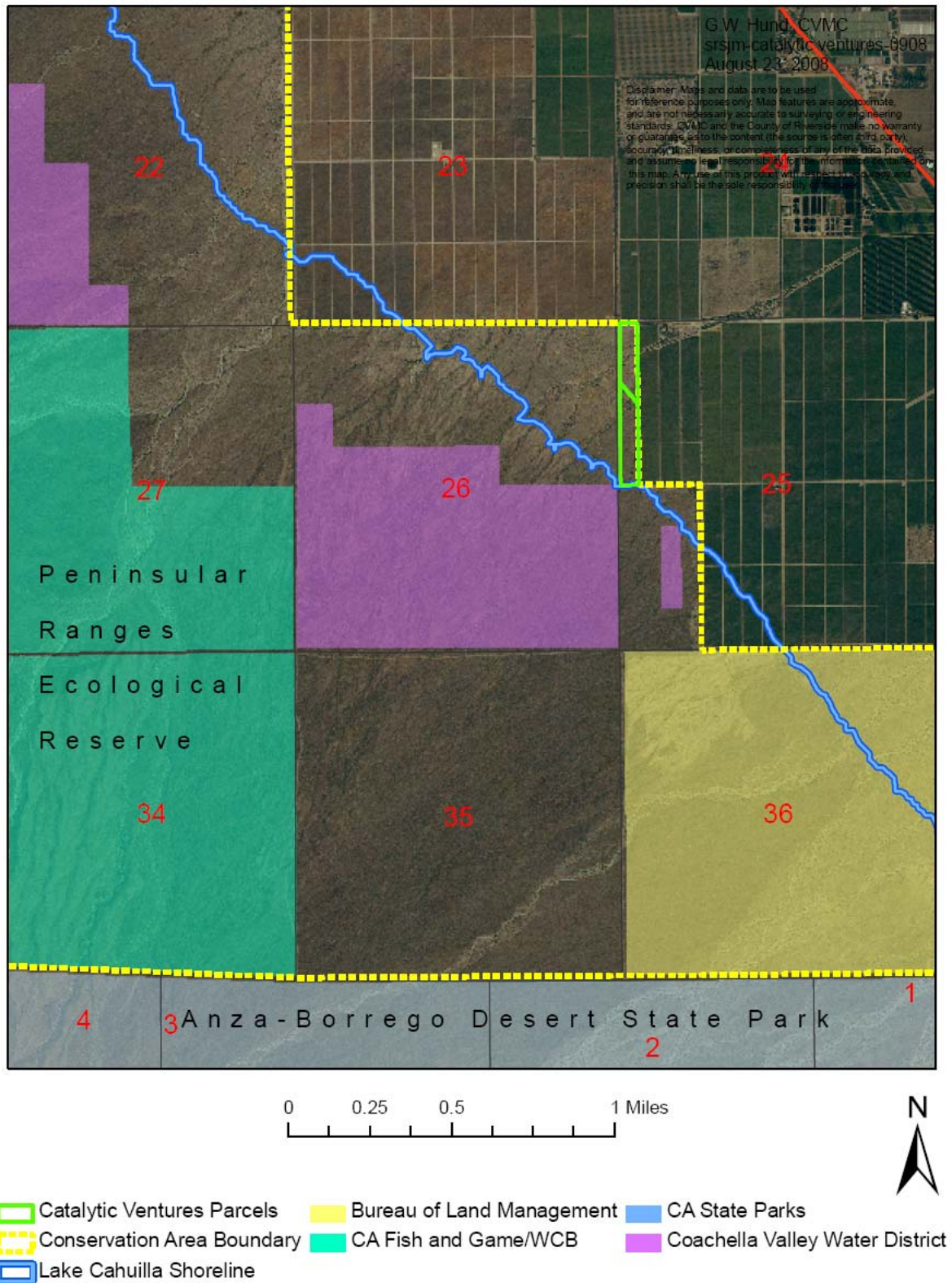
Assuming approval of the grants in the previous agenda items, the Conservancy would have \$3,033,856 available after approving this grant proposal. Additionally, in FY 2008-09, the Conservancy will receive another \$11,514,000 in Proposition 84 funds and a re-appropriation of \$451,856 in Proposition 40 funds and \$344,666 in Proposition 12 funds upon approval of the state budget.

### **RECOMMENDATION**

Staff recommends approval of the attached Resolution 2008-16 approving a local assistance grant to Friends to assist with the purchase of the approximately 20 acres.



# **AGENDA ITEM 7.7 – Map of Property** **Catalytic Ventures Acquisition**



**RESOLUTION 2008-16 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS  
OF THE DESERT MOUNTAINS FOR THE PURCHASE OF LAND ON THE  
ALLUVIAL FANS OF THE SOUTHERN SANTA ROSA MOUNTAINS**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, Assessor's Parcel Numbers 755-300-001 and 002 comprising approximately 20.0 acres in unincorporated Riverside County in the Oasis area contain important resource values including alluvial fans, high quality desert dry wash woodlands, and an undisturbed portion of the lakebed of ancient Lake Cahuilla; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the purchase price of the parcels is \$260,000, and closing costs are estimated at not more than \$2,000; and

WHEREAS, the Friends requests a local assistance grant to assist with the purchase of this property; and

WHEREAS, other funding sources beside the Conservancy may include Resources Legacy Fund Foundation and the Wildlife Conservation Board; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;



NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$262,000 to the Friends to assist with the acquisition; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to the Friends for the parcels and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That the Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than December 31, 2008, unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;

6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 10 – September 8, 2008**

**Agenda Item 7.8** Resolution 2008-17 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 436 acres in the Santa Rosa and San Jacinto Mountains National monument.

### **BACKGROUND**

The Friends of the Desert Mountains (Friends) has requested a grant for \$393,000 to acquire two parcels totaling approximately 436 acres in the Santa Rosa and San Jacinto Mountains National Monument. [See attached map referencing Item 7.8.] These parcels recently became available through a probate court proceeding, in which the Public Administrator seeks to dispose of the property. The Friends had the property appraised, and the values for the two parcels are as follows:

\$280,000	280 acre parcel
<u>\$110,000</u>	156.38 acre parcel
\$390,000	Total

Closing costs are estimated at a maximum of \$3,000.

The 280 acre parcel is located at the confluence of Dry Wash and Palm Canyon in the western half of Section 25, T5S R4E. The Conservancy owns the eastern half of Section 25. This area is critical habitat for the Peninsular bighorn sheep, contains some riparian vegetation and native fan palms in Palm Canyon, and the Palm Canyon Trail stretching from Highway 74 to the Indian Canyons Heritage Park traverses the property. The 156.38 acre parcel is located west of Palm Desert in Section 3, T6S R5E. It is also critical habitat for the Peninsular bighorn sheep, and is part of the viewshed from Highway 74 and the National Monument Visitor Center.

The probate court will consider the matter on October 1 and it is important to have funding available for the acquisition if the court accepts the Friends' offer.

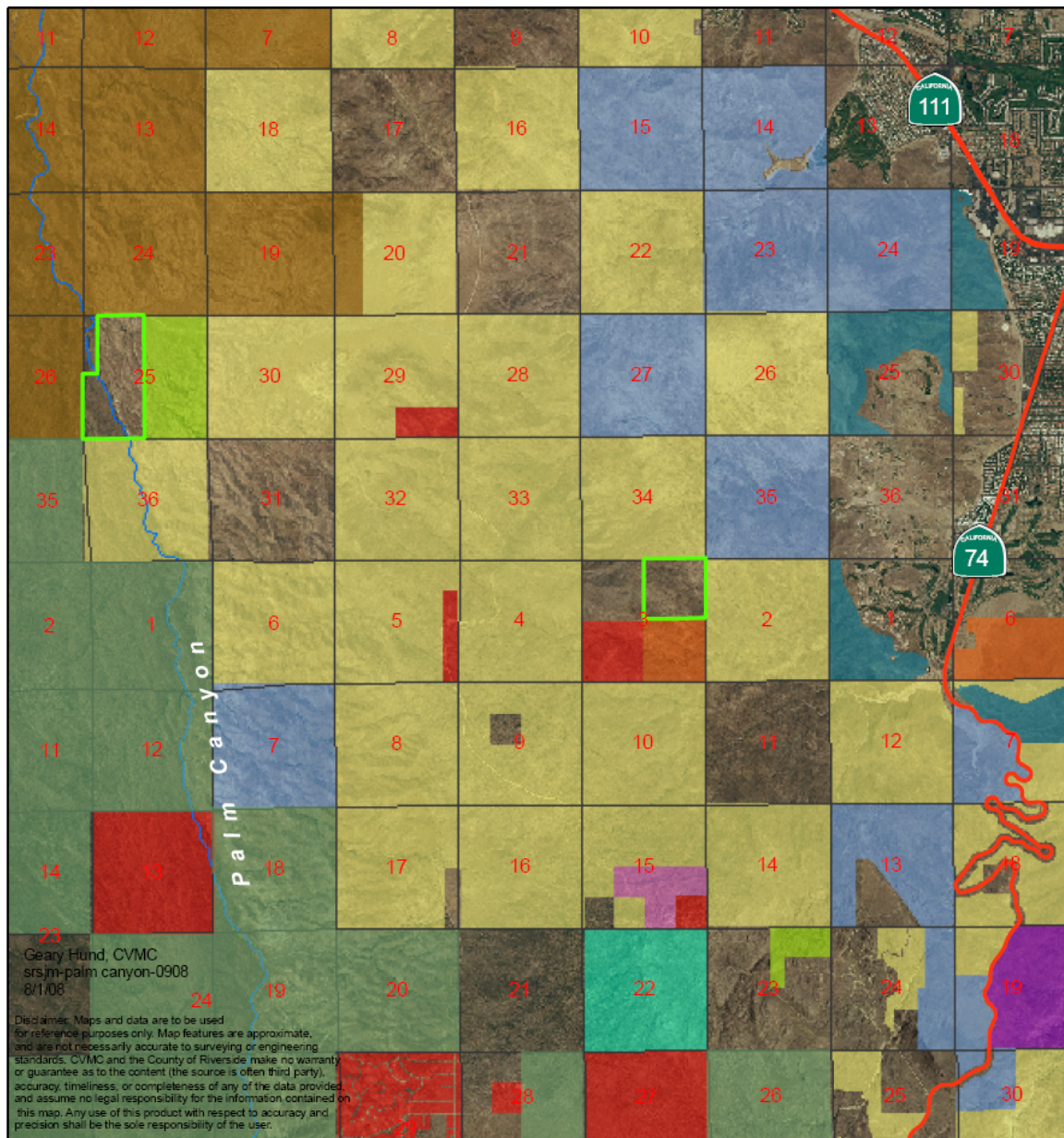
Assuming approval of the grants in the previous agenda items, the Conservancy would have \$2,640,857 available after approving this grant proposal. Additionally, in FY 2008-09, the Conservancy will receive another \$11,514,000 in Proposition 84 funds and a re-appropriation of \$451,856 in Proposition 40 funds and \$344,666 in Proposition 12 funds upon approval of the state budget.

### **RECOMMENDATION**

Staff recommends approval of the attached Resolution 2008-17 approving a local assistance grant to Friends to assist with the purchase of the approximately 436 acres.

## AGENDA ITEM 7.8 – Map of Properties

### Probate Court Parcels



0 0.5 1 2 Miles

- |  |  |   |
|--|--|---|
| <span style="border: 2px solid green; padding: 2px;"> </span> Subject Parcels                                      | <span style="background-color: #00b0f0; border: 1px solid black; padding: 2px;"> </span> WCB/CA Dept. of Fish and Game     | <span style="background-color: #2e7d72; border: 1px solid black; padding: 2px;"> </span> American Lands Conservancy |
| <span style="background-color: #4f81bd; border: 1px solid black; padding: 2px;"> </span> US Forest Service         | <span style="background-color: #00ff00; border: 1px solid black; padding: 2px;"> </span> Coachella Valley Mtns Conservancy | <span style="background-color: #ff0000; border: 1px solid black; padding: 2px;"> </span> Friends of the Desert Mtns |
| <span style="background-color: #ffff00; border: 1px solid black; padding: 2px;"> </span> Bureau of Land Mgmt       | <span style="background-color: #0072bc; border: 1px solid black; padding: 2px;"> </span> City of Palm Desert               | <span style="background-color: #00ffcc; border: 1px solid black; padding: 2px;"> </span> Living Desert              |
| <span style="background-color: #8b4513; border: 1px solid black; padding: 2px;"> </span> Indian Reservation        | <span style="background-color: #ff00ff; border: 1px solid black; padding: 2px;"> </span> City of Palm Springs              |   |
| <span style="background-color: #800080; border: 1px solid black; padding: 2px;"> </span> UC Natural Reserve System | <span style="background-color: #ff4500; border: 1px solid black; padding: 2px;"> </span> Private Conservation              |   |



**RESOLUTION 2008-17 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**~~RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS  
OF THE DESERT MOUNTAINS FOR THE PURCHASE OF LAND ON THE  
ALLUVIAL FANS OF THE SOUTHERN SANTA ROSA MOUNTAINS~~  
RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS OF  
THE DESERT MOUNTAINS FOR THE PURCHASE OF LAND IN THE SANTA ROSA  
AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, Assessor's Parcel Numbers 686-110-021 and 635-030-012 comprising approximately 436.0 acres in unincorporated Riverside County in the Santa Rosa and San Jacinto Mountains National Monument contain important resource values including critical habitat for the Peninsular bighorn sheep, riparian vegetation in Palm Canyon, and a portion of the Palm Canyon Trail; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the purchase price of the parcels is \$390,000, and closing costs are estimated at not more than \$3,000; and

WHEREAS, the Friends requests a local assistance grant to assist with the purchase of this property; and

WHEREAS, other funding sources beside the Conservancy may include Resources Legacy Fund Foundation and the Wildlife Conservation Board; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$393,000 to the Friends to assist with the acquisition; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to the Friends for the parcels and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That the Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than December 31, 2008, unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;

6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 11 – September 8, 2008**

**Agenda Item 7.9** Resolution 2008-18 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of 5 acres in the area between the Indio Hills and Joshua Tree National Park.

### **BACKGROUND**

The Friends of the Desert Mountains (Friends) has requested a grant for a not to exceed amount of \$25,000 to acquire a 5-parcel in the Joshua Hills area. [See attached maps referencing Item 7.9].

The parcel is located within the larger 8,881 acre Cathton property, acquired by a multiple-entity partnership including the Friends in 2004 and funded in part by a Conservancy grant. The Cathton property was acquired to protect essential ecological processes, including sand source and sand transport for the Coachella Valley Fringe-toed Lizard Preserve; conserve a wildlife movement corridor between the Preserve and Joshua Tree National Park; conserve habitat for the threatened desert tortoise, and for other species conserved under the MSHCP, including Palm Springs pocket mouse and Le Conte's thrasher; and provide a State Park Desert Camping facility Site.

In 2007, the Governing Board approved two grants to the Friends that resulted in the purchase of 14 parcels, totaling approximately 60.0 acres in Section 30, helping to consolidate conservation ownership in this section. The availability of funds from the second grant expired June 30, 2008; however, recently another landowner contacted the Friends and expressed a desire to sell. Acquisition of the proposed 5.0 acres continues the acquisition effort and will further help maintain the integrity of the Cathton property by protecting its visual resources, and preserving important natural resource values. As can be seen from the map, there remain additional private parcels to be acquired. The Friends intend to initiate a new round of contacts with those owners. If additional willing sellers are identified, the Friends are expected to apply for additional grants.

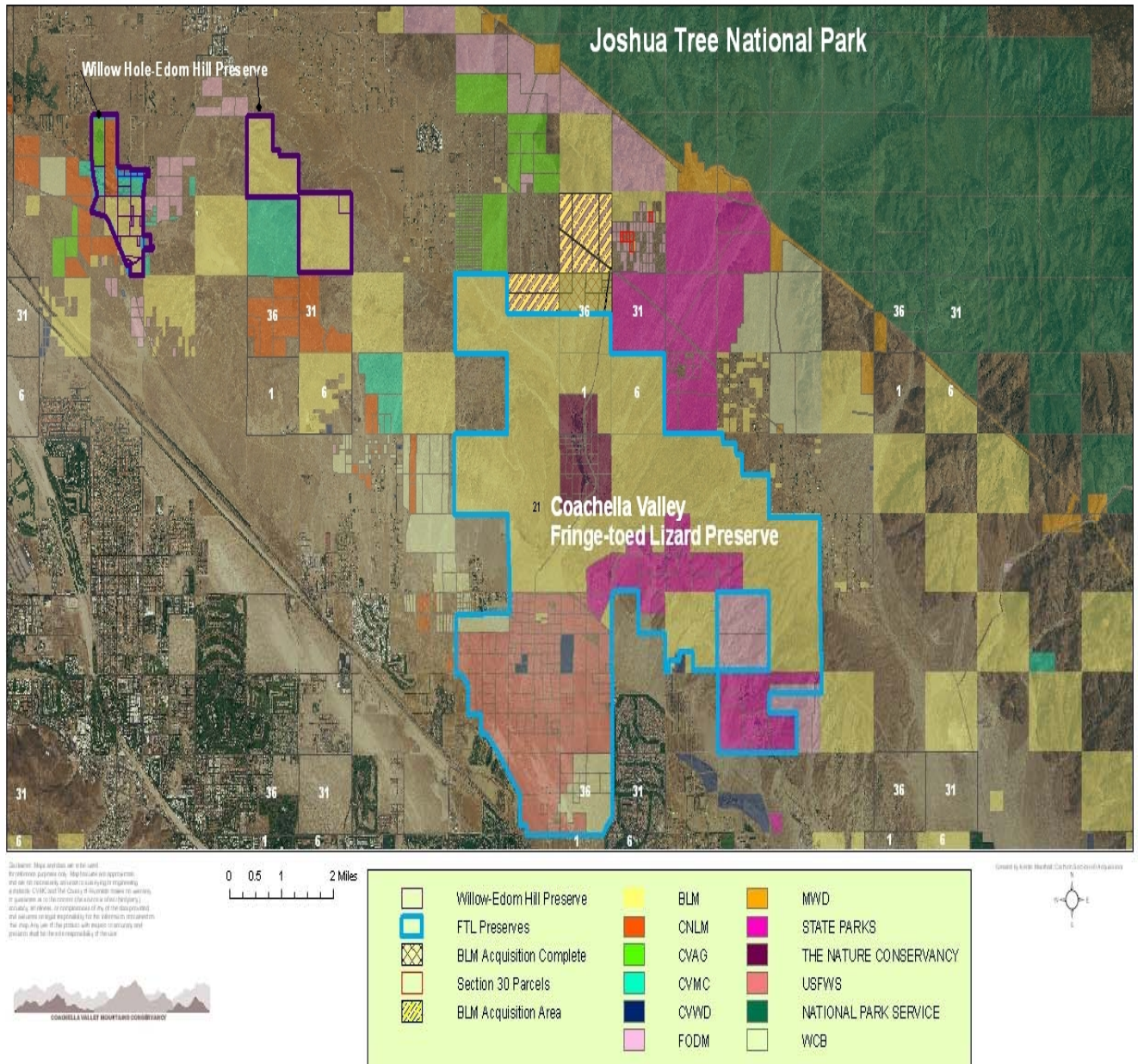
Assuming approval of the grants in the previous agenda items, the Conservancy would have \$2,615,857 available after approving this grant proposal. Additionally, in FY 2008-09, the Conservancy will receive another \$11,514,000 in Proposition 84 funds and a re-appropriation of \$451,856 in Proposition 40 funds and \$344,666 in Proposition 12 funds upon approval of the state budget.

### **RECOMMENDATION**

Staff recommends approval of the attached Resolution 2008-18 approving a local assistance grant to Friends to assist with the purchase of the approximately 5 acres.



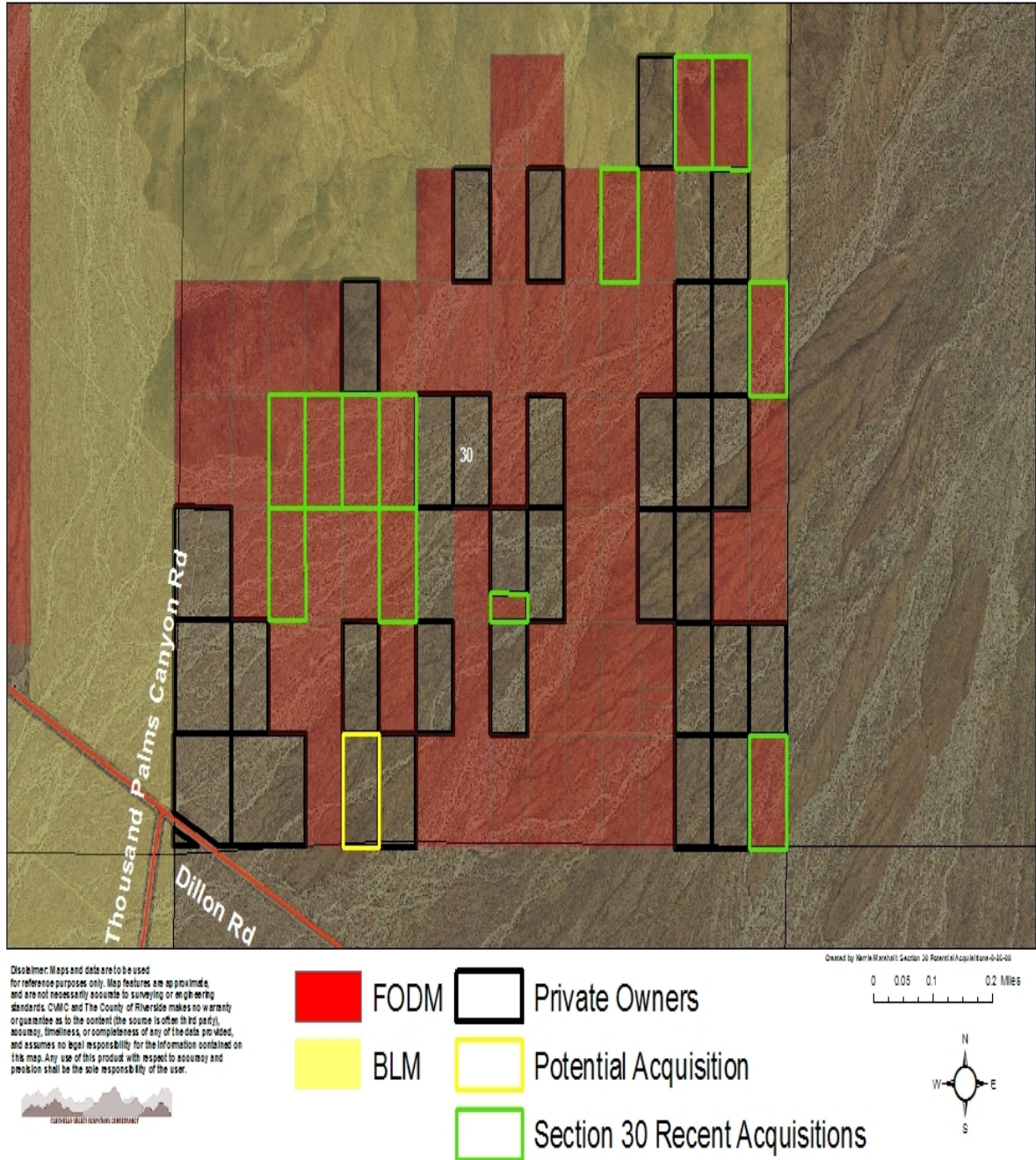
# **Agenda Item 7.9 Map 1 – Context Map** **Cathton Acquisition Property Allocation-Section 30 Potential Acquisitions**





## Agenda Item 7.9 Map 2 – Recent and Proposed Acquisitions

### Joshua Hills- Section 30 Potential Acquisitions



**RESOLUTION 2008-18 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS  
OF THE DESERT MOUNTAINS FOR THE PURCHASE OF LAND IN THE  
“JOSHUA HILLS” AREA**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public’s enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may “in order to further the conservancy’s purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations....”; and

WHEREAS, the Friends of the Desert Mountains (“Friends”) is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, ASSESSOR’S PARCEL NUMBER 741-120-010 comprising 5.0 acres in unincorporated Riverside County in the area between the Indio Hills and Joshua Tree National Park, contains important resource values including a wildlife movement corridor between Joshua Tree National Park and the Coachella Valley Fringe-toed Lizard (CVFTL) Preserve, a sand source and sand transport area for the CVFTL Preserve, and desert tortoise habitat; and

WHEREAS, it is in furtherance of the Conservancy’s purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the purchase price of the parcel is \$24,000, and closing costs are estimated at not more than \$1,000; and

WHEREAS, the Friends requests a local assistance grant to assist with the purchase of this property; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$25,000 to the Friends to assist with the acquisition; and

BE IT FURTHER resolved, that this grant is contingent upon the availability of a policy of title insurance to be issued to the Friends for the parcels and upon an inspection showing that there are no hazardous materials on the site; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;
2. That the Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than December 31, 2008, unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;

6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent for a period of three years and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. No revenue will be generated by Grantee from the property acquired with the grant funds.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 12 – September 8, 2008**

**Agenda Item 7.10** Resolution 2008-19 approving a policy regarding local assistance grants as it pertains to fair market value of the property.

### **BACKGROUND**

At its March 2008 meeting, the Governing Board discussed the question of whether there were circumstances under which it might be appropriate to make a local assistance grant to an entity to assist with an acquisition the price of which exceeded market value as determined by an appraisal, as long as the Conservancy's grant did not exceed the market value. The Board expressed a desire to consider a policy regarding this. A draft policy was placed on the May agenda for consideration, but the item was continued to accommodate interested Board Members who were unable to be at the May meeting. Because there was no July meeting, the item is on this agenda.

Staff has prepared the following policy for consideration by the Board.

#### ***Draft Policy on Market Value Considerations in Local Assistance Grants***

No local assistance grant for an acquisition will exceed the market value of the property as determined by an appraisal approved by the Conservancy, and only in exceptional situations would the Conservancy approve a grant when the grantee proposes to pay more than market value for the property by augmenting the grant funds with non-state funds. The Conservancy would approve such a grant only if the Governing Board makes the following findings:

1. Failure to acquire the property for conservation is expected to have a significant adverse impact on the biological, cultural, scenic, or recreational resources of not only the property proposed for acquisition but also of already conserved lands in the immediate area.
2. The grantee has made a good faith effort to acquire the property for market value, and its offer has been rejected.
3. There is a reasonable expectation that if the land is not acquired at this time, present or foreseeable development pressures, or development opportunities based on the property's land use designation and availability of infrastructure, pose a threat of development on the property before another opportunity to acquire it is likely to occur.

### **RECOMMENDATION**

Staff recommends approval of attached Resolution 2008-19 adopting the above policy with any changes desired by the Governing Board.



**RESOLUTION 2008-19 OF THE GOVERNING BOARD OF THE  
COACHELLA VALLEY MOUNTAINS CONSERVANCY  
ADOPTED IN REGULAR SESSION  
SEPTEMBER 8, 2008**

**RESOLUTION APPROVING A POLICY REGARDING MARKET VALUE  
CONSIDERATIONS IN LOCAL ASSISTANCE GRANTS**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Governing Board desires to have a policy delineating under what conditions it would consider approving a local assistance grant for an acquisition if the grantee proposes to pay more than market value for the property by augmenting the grant funds, which under no circumstances would exceed market value, with non-state funds;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves the following policy:

No local assistance grant for an acquisition will exceed the market value of the property as determined by an appraisal approved by the Conservancy, and only in exceptional situations would the Conservancy approve a grant when the grantee proposes to pay more than market value for the property by augmenting the grant funds with non-state funds. The Conservancy would approve such a grant only if the Governing Board makes the following findings:

1. Failure to acquire the property for conservation is expected to have a significant adverse impact on the biological, cultural, scenic, or recreational resources of not only the property proposed for acquisition but also of already conserved lands in the immediate area.
2. The grantee has made a good faith effort to acquire the property for market value, and its offer has been rejected.
3. There is a reasonable expectation that if the land is not acquired at this time, present or foreseeable development pressures, or development opportunities based on the property's land use designation and availability of infrastructure, pose a threat of development on the property before another opportunity to acquire it is likely to occur.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 8th day of September 2008, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Chairman  
Coachella Valley Mountains Conservancy

## **ATTACHMENT 13 - September 8, 2008**

### **Agenda Item 8.1      Written Reports from Staff**

#### *Acquisitions and Funding*

Escrow closed on the 80-acre Phase 3 of the Jacques property acquisition adjacent to the Edom Hill Area of Critical Environmental Concern in June. Escrow also closed on the 100 acre Marlida property west of the Jacques property.

USFWS received additional federal Section 6 grant for the acquisition of Peninsular bighorn sheep habitat, with the total grant amount for this year being \$1,500,000. The funds will go to the Wildlife Conservation Board and require a match of \$642,858. Conservancy staff has also been assisting USFWS and CDFG with preparation of Section 6 grant applications for the current fiscal year totaling \$7.4 million dollars in federal funds, with a minimum of 30% matching funds from non-federal sources, including CVMC and WCB. The grants would provide funds for Peninsular bighorn sheep habitat acquisition, desert tortoise habitat acquisition, and with the Permits for the MSHCP anticipated to be issued in September, acquisition of habitat for various species to assist with implementation of the MSHCP.

As a result of Conservancy's and Friends' efforts, a FY '09 Land and Water Conservation Fund (LWCF) Supplemental request would, if passed by Congress, include \$1,300,000 for BLM for acquisitions in the National Monument. Efforts are also in progress to try to obtain LWCF funding for the U. S. Forest Service for projects in the Monument.

The Conservancy was awarded a Bureau of Reclamation grant for desert tortoise habitat acquisition, consisting of the purchase of 230 acres of habitat in the Chuckwalla Bench area east of the Orocopia Mountains, in the far eastern area of our (and the MSHCP's) territory. The funds should be available in the fall.

#### *Trails Planning Update*

Geary Hund finished the field evaluation of potential and existing trails and trailheads in the northern Coachella Valley. He is currently drafting the conceptual trails plan report. The report will contain detailed maps and information about potential trail routes and trailheads and recommendations for possible improvements to existing facilities. Prior to finalizing the report, Geary and Joan will meet with representatives of the northern Coachella Valley trails planning and development working group to obtain their feedback.

Geary and Joan Taylor met with David McElroy, the Riverside County trails representative for Metropolitan Water District, to discuss trail access and facility development along the interface of the northern Coachella Valley with Joshua Tree National Park.

The Friends of the Desert Mountains recently received matching funds from the County of Riverside to help implement the Trail Connections Program element of the Southern California Edison Grant. Thanks to this contribution, there are now sufficient funds to build the planned connector trail between Willis Palms and Moon Country in the Coachella Valley Fringe-toed Lizard Preserve. Geary subsequently contacted the trail builder, Mike Schuler

and BLM staff and they've set a tentative start construction date of October 1st. If work begins on October 1<sup>st</sup>, it is anticipated that the trail will be complete by January 1<sup>st</sup>. Geary will be providing Friends' staff with trail specifications and a sample contract. Conservancy staff will be submitting a cost estimate to the Friends for Geary's time to oversee trail construction and coordinate required post project monitoring.

CVAG OHV taskforce

No report.